

**ORDINANCE NO. 20110728-128**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 510 WEST 8<sup>TH</sup> STREET FROM MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY (MF-4) DISTRICT TO DOWNTOWN MIXED USE-CONDITIONAL OVERLAY (DMU-CO) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from multifamily residence moderate high density (MF-4) district to downtown mixed use-conditional overlay (DMU-CO) combining district on the property described in Zoning Case No. C14-2010-0207, on file at the Planning and Development Review Department, as follows:

A 0.1699 acre tract of land, more or less, out of Lots 1 and 2, Block 102, Original City of Austin, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 510 West 8<sup>th</sup> Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. The maximum height of a building or structure on the Property is 90 feet from ground level.
- B. The following uses are prohibited uses of the Property:
  - 1. Bail bond services
  - Pawn shop services
  - Liquor sales
- C. The following uses are conditional uses of the Property:
  - Food preparation
  - Food sales

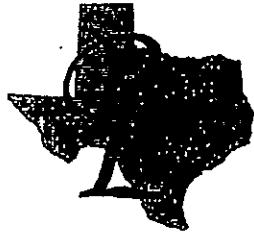
Except as otherwise specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the downtown mixed use (DMU) base district, and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on August 8, 2011.

**PASSED AND APPROVED**

\_\_\_\_\_, July 28, 2011      §  
   §  
   §  
   \_\_\_\_\_  
   Lee LeFringwell  
   Mayor

APPROVED: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
                                 Karen M. Kennard      Shirley A. Gentry  
                                 City Attorney      City Clerk



*Land Surveyors, Inc.*

8333 Cross Park Drive

Austin, Texas 78754

Office 512.374.9722

Fax 512.873.9743

EXHIBIT A

METES AND BOUNDS DESCRIPTION

BEING 0.1699 OF ONE ACRE (7,399 SQUARE FEET) OF LAND, BEING A PORTION OF LOTS 1 AND 2, BLOCK 102 IN THE ORIGINAL CITY OF AUSTIN PLAN, ACCORDING TO THE MAP THEREOF RECORDED IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS AND BEING THE SAME PROPERTY CONVEYED TO ETHEL HARTMAN AND DESCRIBED AS 0.171 ACRES BY INSTRUMENT OF RECORD IN VOLUME 1918, PAGE 338 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron pipe found for the southwest corner of said Lot 1, Block 102, Original City of Austin, being the southwest corner of said 0.171 acre tract and also being at the intersection of the east right-of-way line of Nueces Street (80' R.O.W.) with the north right-of-way line of West 8<sup>th</sup> Street (R.O.W. varies); from which a 1/2 rebar found with aluminum cap (stamp illegible) at the intersection of the west right-of-way line of said Nueces Street with the north right-of-way line of said West 8<sup>th</sup> Street bears North 70°48'23" West a distance of 79.93 feet (record: 80.00 feet);

THENCE North 19°11'48" East (record: North 18°53'00" East), along the west line of the 0.171 acre tract, the west line of Lot 1, Block 102, Original City of Austin and the east right-of-way line of Nueces Street a distance of 63.98 feet (record: 64.00 feet) to a 1/2" iron pipe found at the northwest corner of the 0.171 acre tract and being the southwest corner of the north 1/2 of Lot 1, Block 102, Original City of Austin as conveyed to Michael J. McGinnis and, along with the north 1/2 of Lot 2, Block 102, Original City of Austin are called "Second Tract" by instrument of record in Document Number 2004236655 of the Official Public Records of Travis County, Texas; from which a 1/2" rebar found with aluminum cap, which reads "Kent MacMillan Surveyor, RPLS 4341, 602" for the northwest corner of said McGinnis' "Second Tract" and being the northwest corner of Lot 1, Block 102, Original City of Austin bears North 19°11'48" East a distance of 63.99 feet (record: 64.00 feet);

THENCE, South 70°49'25" East (record: South 71°08' East), along the north line of the 0.171 acre tract, being the south line of McGinnis' "Second Tract" and the south line of the north 1/2 of Lot 1 and Lot 2, Block 102, Original City of Austin a distance of 115.62 feet (record: 116.10 feet) to a 1/2" rebar set with plastic cap, which reads "BASELINE, INC." for the northeast corner of the 0.171 acre tract and being the northwest corner of that tract of land conveyed to Patton/800 San Antonio, L.P. by instrument of record in Document Number 2003121284 of the Official Public Records of Travis County, Texas and described therein as "Tract 1"; from which a calculated point in the west right-of-way line of San Antonio Street (80.00' R.O.W.) for northeast corner of Lot 4, Block 102 as conveyed to Michael J. McGinnis and, along with the north 1/2 of Lot 3, Block 102, Original City of Austin are called "First Tract" by instrument of record in said Document Number 2004236655 of the Official Public Records of Travis County, Texas bears South 70°49'25" East a distance of 163.81 feet and is 0.4' east of a 1/2" iron pipe found;

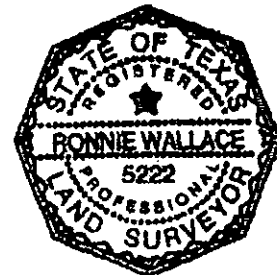
THENCE South  $19^{\circ}11'48''$  West (record: South  $18^{\circ}53'00''$  West), along the east line of the 0.171 acre tract, being parallel with the west line of the 0.171 acre tract and the east right-of-way line of Nueces Street and being the west line of the Patton/800 San Antonio L.P. Tract 1 a distance of 64.00 feet (record: 64.00 feet) to a calculated point 0.3' south of a  $1/2''$  rebar found; said calculated point being the southeast corner of the 0.171 acre tract and being in the north right-of-way line of West 8<sup>th</sup> Street and being the northwest corner of a 1,230.75 square foot tract of land conveyed to Patton/800 San Antonio, L.P. by instrument of record in said Document Number 2003121284 of the Official Public Records of Travis County, Texas and known therein as "Tract 2" and being a portion of vacated West 8<sup>th</sup> Street as described in Volume 5315, Page 1258 of the Deed Records of Travis County, Texas; from which a  $1/2$  rebar found for the southwest corner of said 1,230.75 square foot tract bears South  $17^{\circ}53'39''$  West a distance of 7.30 feet (record: South  $18^{\circ}28'$  West a distance of 7.22 feet) and a  $1/2''$  rebar found in said west right-of-way line of San Antonio Street for the northeast corner of the 1,230.75 square foot tract and being the southeast corner of the Patton/800 San Antonio, L.P. Tract 1 bears South  $70^{\circ}49'00''$  East a distance of 164.24 feet (record: South  $70^{\circ}49'$  East a distance of 163.51 feet);

THENCE North  $70^{\circ}49'00''$  West (record: North  $71^{\circ}08'00''$  West), along the south line of the 0.171 acre tract, the south line of Lot 1 and Lot 2, Block 102, Original City of Austin and the north right-of-way line of West 8<sup>th</sup> Street a distance of 115.62 feet (record: 116.10 feet) to the POINT OF BEGINNING.

This parcel contains 0.1699 of one acre (7,399 square feet) of land, more or less, out of the Lots 1 & 2, Block 102, Original City of Austin Plan, Travis County, Texas.

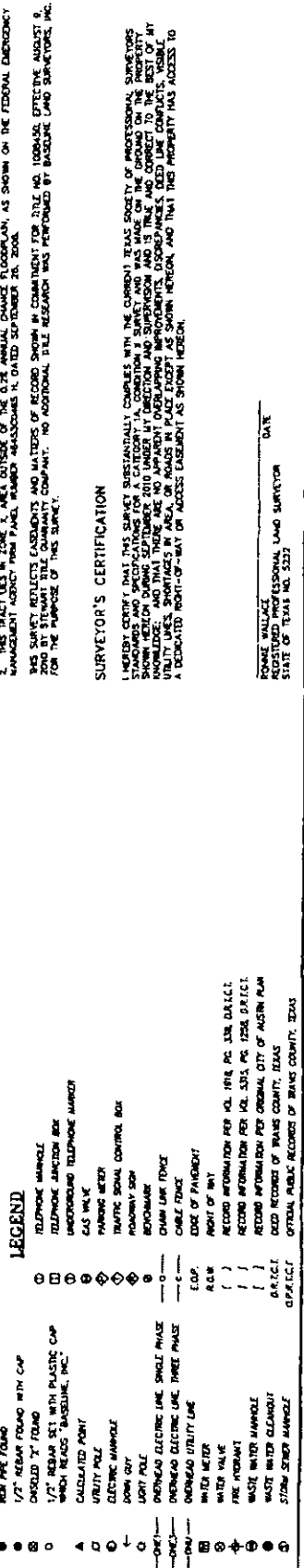
Bearing Basis: the north right-of-way line of West 8<sup>th</sup> Street being North  $70^{\circ}49'$  West, as cited in Quitclaim Deed from the City of Austin to Frank W. McGee, Jr. of record in Volume 5315, Page 1258 of the Deed Records of Travis County, Texas.

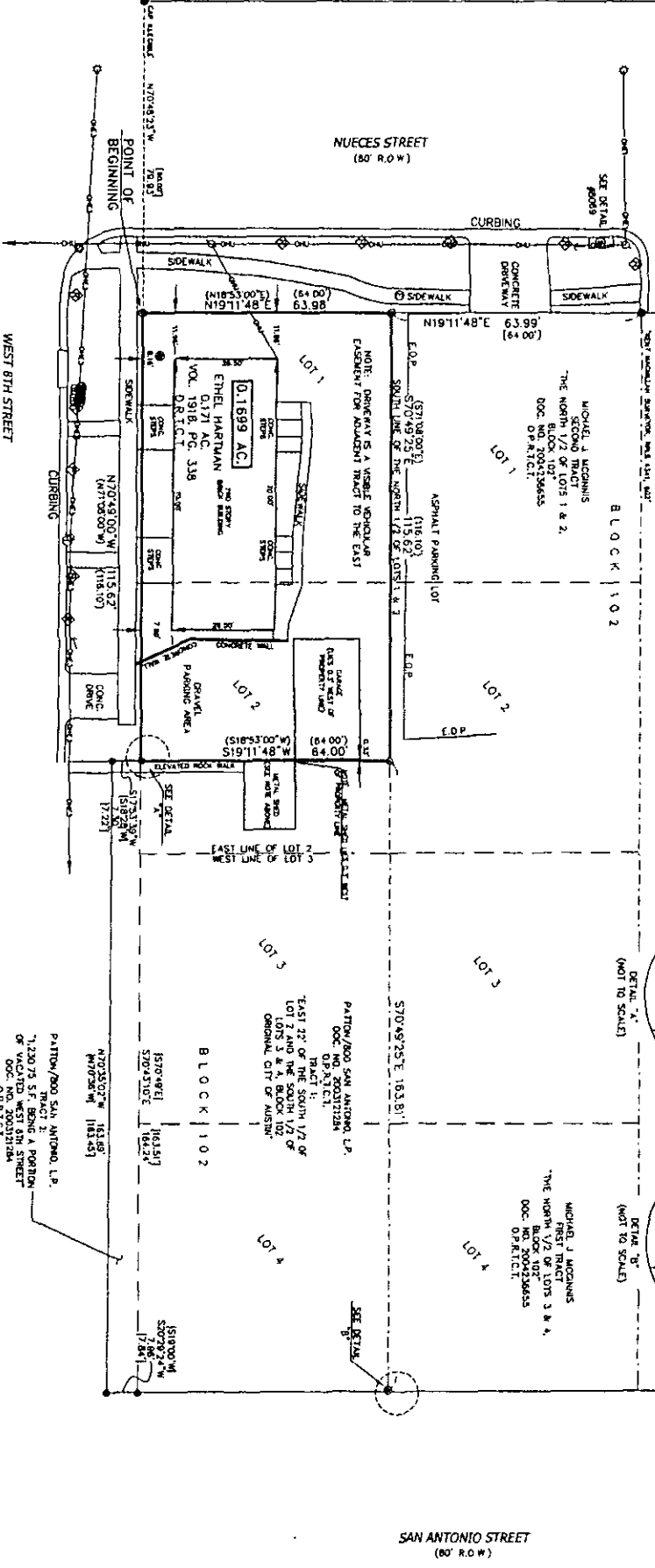
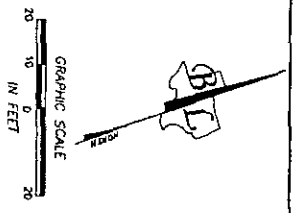
Ronnie Wallace 20 September 2010  
Ronnie Wallace Date  
Registered Professional Land Surveyor  
State of Texas No. 5222



File: S:\Projects\804 San Antonio\Docs\Field Notes\501 W 8<sup>th</sup> Street\_fn.doc  
Dwg: S:\Projects\804 San Antonio\Dwg\510 W 8<sup>th</sup> Street Title Survey.dwg

**BASELINE LAND SURVEYORS, INC.**  
PROFESSIONAL LAND SURVEYING SERVICES  
8333 CROSS PARK DRIVE  
AUSTIN TEXAS 78754  
OFFICE: 512.374.8722 FAX: 512.873.8743  
ron-baseline@austlnr.com





LEGEND

- 1/2" REBAR FOUND
- CONCRETE SINGLE FOUND
- 1/2" REBAR FOUND WITH CAP
- OVERHEAD 1" F. FOUND
- 1/2" REBAR SET WITH PLASTIC CAP
- WHICH REBAR BASELINE, INC.
- CALCULATED POINT
- UTILITY POLE
- ELECTRIC MOUNT
- DOWN DIRT
- OVERHEAD ELECTRIC LINE, SINGLE PHASE
- OVERHEAD ELECTRIC LINE, THREE PHASE
- OVERHEAD UTILITY LINE
- WATER VALVE
- PRE HOLEMAN
- WEST WATER MOUNT
- WEST WATER MOUNT
- STORM WATER MOUNT

LEGEND

- TELEPHONE MOUNT
- TELEPHONE JUNCTION BOX
- UNDERGROUND TELEPHONE MOUNT
- C&S WALK
- PARKING METER
- TRAFFIC SIGNAL CONTROL BOX
- ROADWAY SIGN
- ADJACENT
- CHAIN LANE FENCE
- CHAIN FENCE
- EDGE OF PAVEMENT
- ROAD OF WAY
- RECORD INFORMATION PER VOL. 1918, PG. 128, DIST. 1
- RECORD INFORMATION PER VOL. 1918, PG. 128, DIST. 1
- RECORD INFORMATION PER DEEDS, CITY OF AUSTIN, TEXAS
- DEED RECORDS OF TRAVIS COUNTY, TEXAS
- DISTRICT
- OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

GENERAL NOTES

1. BEARING BASE: THE NORTH POINT OF ANY LINE OF WEST 8TH STREET BEING NORTH 76° 12' WEST, AS CITED IN COUNCIL DEED FROM CITY OF AUSTIN TO FRANK W. MOORE, JR., OF RECORD IN VOLUME 1518, PAGE 128, DEED RECORDS OF TRAVIS COUNTY, TEXAS.
2. THIS TRACT LIES IN ZONE 7, AREA OUTSIDE OF THE 0.25 ANNUAL FLOOD FLOODPLAIN, AS SHOWN ON THE FEDERAL ENGINEERING MANAGEMENT AGENCY FIRM PANEL NUMBER 48555-000-000 DATED SEPTEMBER 26, 2004.
3. THIS SURVEY REFLECTS EASEMENTS AND UTILITIES OF RECORD SHOWN IN COMMENT FOR TITLE NO. 1008450, EFFECTIVE AUGUST 9, 2010, OF STAKEOUT TITLE COMPANY, INC. NO ADDITIONAL TITLE RESEARCH WAS PERFORMED BY BASELINE LAND SURVEYORS, INC. FOR THE PURPOSE OF THIS SURVEY.

SURVEYOR'S CERTIFICATION

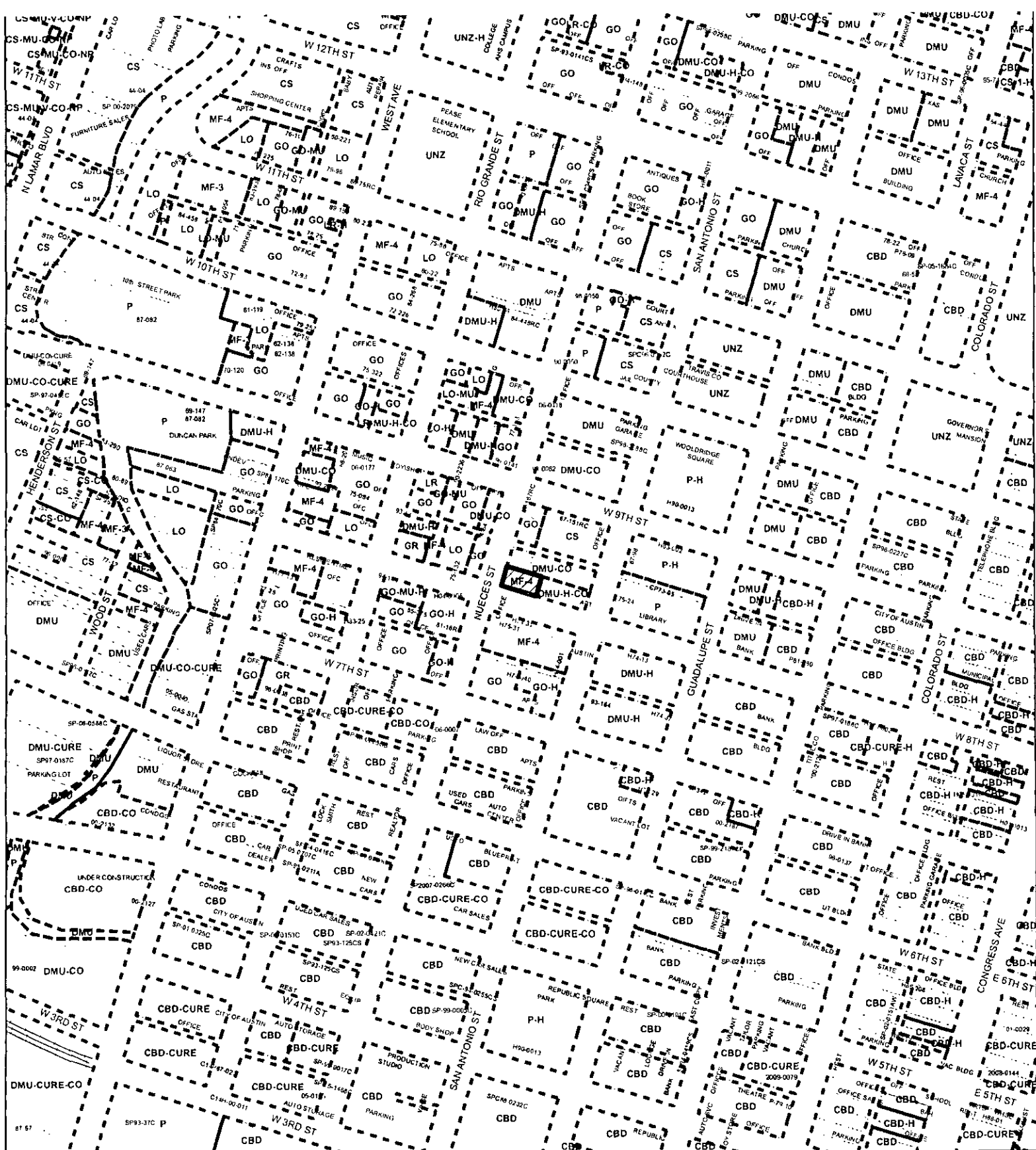
I HEREBY CERTIFY THAT THE SURVEY SUBSTANTIALLY COMES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR CATEGORY 1, CONDUCTED BY BASELINE LAND SURVEYORS, INC. IN AUSTIN, TEXAS, AND SHOWN HEREON DURING SEPTEMBER 2010 UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THAT THERE ARE NO APPARENT DEVIATING IMPROVEMENTS, DISCREPANCIES, DEED LINE CONTACTS, VISIBLE ENCROACHMENTS, OR OTHERS IN FIELD OR FROM PUBLIC RECORDS AS SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A DEDICATED RIGHT-OF-WAY OR ACCESS EASEMENT AS SHOWN HEREON.

DATE: 09/22/10  
STATE OF TEXAS NO. 5222

LAND TITLE SURVEY OF 0.1699 OF ONE ACRE (7,399 SQUARE FEET) OF LAND, BEING A PORTION OF LOTS 1 & 2, BLOCK 102 IN THE ORIGINAL CITY OF AUSTIN PLAN, ACCORDING TO THE MAP THEREOF RECORDED IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS AND BEING THE SAME PROPERTY CONVEYED TO ETHEL HARTMAN AND DESCRIBED AS 0.171 ACRES BY INSTRUMENT OF RECORD IN VOLUME 1918, PAGE 338 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS

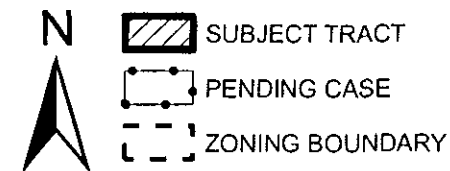
BASELINE LAND SURVEYORS, INC.  
PROFESSIONAL LAND SURVEYING SERVICES  
8333 CROSS PARK DRIVE  
AUSTIN TEXAS 78754  
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File: S:\2004 San Antonio SP\Draw\110 W 8th St Title Survey
Scale (HxV): 1"=20'
Date: 09/22/10
Drawn By: RLW
Checked By: BWB
Revision 1:
Revision 2:
Revision 3:



## ZONING EXHIBIT B

ZONING CASE#: C14-2010-0207  
 LOCATION: 510 W 8TH ST  
 SUBJECT AREA: 0.1699 ACRES  
 GRID: J22  
 MANAGER: STEPHEN RYE



1' = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

